

# EXHIBIT 2

**FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

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Food Not Bombs Houston et al., )  
Plaintiffs, )  
v. ) Case No. \_\_\_\_\_  
City of Houston, Texas, )  
Defendant. )  
\_\_\_\_\_  
)

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**DECLARATION OF REBECCA LAVERGNE**

I, REBECCA LAVERGNE, hereby declare and state:

1. I am submitting this declaration on behalf of Food Not Bombs Houston, a Plaintiff in the above-captioned case and in support of Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction. The facts set forth in this declaration are based on my personal knowledge, unless otherwise indicated, and, if called as a witness, I could and would testify thereto. I am over eighteen years of age and of sound mind to declare to the facts stated herein.

2. I am a resident of Houston and a Pre-K schoolteacher in the Houston area.

3. I began volunteering with Food Not Bombs Houston 8 years ago, and I have been a member ever since. I participate in our food sharing events on a weekly basis, and I frequently help by bringing food and supplies, setting up and tearing down, distributing food, and managing the line.

**Background of Food Not Bombs Houston**

4. Food Not Bombs Houston ("FNBH") first came together in 1994. FNBH is a local chapter of the international Food Not Bombs movement, which has numerous chapters in the

United States and abroad. Food Not Bombs was founded to inspire the public to participate in changing society by focusing resources on solving problems like hunger, homelessness, and poverty.

5. As our name makes clear, we are not a charity, but instead a political group expressing a message that government entities should divest money from war, policing, and weaponry, and instead redirect that money to meet basic human needs. We share food to protest war, poverty, and Houston's unfair treatment of homeless people.

6. Our slogan—"Poverty is not a crime"—reflects the group's belief that Houston and other governments weaponize police and criminal law enforcement against homeless people to get them off the streets instead of providing food, housing, and health care.

7. We also share food to express our solidarity with our homeless and food insecure neighbors. By sharing and eating together in public, we exhibit what a community based on mutual aid looks like. We hope that this will inspire others to see what Houston could be if our government invested in supporting people rather than criminalizing them.

8. FNBH conveys its message and vision for Houston by serving free vegan and vegetarian food four times a week near the Central Library and across the street from City Hall. We serve food at 7:30 p.m. on Monday, Wednesday, Friday, and Sunday, rain or shine.

9. Our food sharing events are open to anyone who wants food. We make sure that people line up so they can receive food in an orderly fashion. We usually have a separate line for people with disabilities or mobility issues so they do not have to spend as much time standing or waiting to receive food. Many people who use wheelchairs, canes, or otherwise have trouble walking receive food from us on a weekly basis.

10. We take great care to share food in an environmentally and socially responsible way. We serve vegan and vegetarian food intentionally to protest the cruel treatment of animals and the negative environmental impact the meat industry has on the planet. Frequently, the food we serve is good fresh food that otherwise would have gone to waste.

11. When we can, we try to limit waste by cleaning and reusing our serving implements. For anything that must be thrown away, we make sure to bring trash bags and pick up any trash before we leave.

12. During our events, we set up tables where volunteers are each assigned to serve a different dish. The volunteers who serve food wear food service gloves. People in line for food can say what they want and do not want on their plate. We also hand out water bottles and other beverages.

13. In addition to serving food, we frequently hand out clothing, blankets, backpacks, and hygiene supplies that have been donated to us. Members of the community often come to our feeding events to drop off these donations so we can distribute them.

14. For nearly two decades, FNBH has been sharing food near the Central Library. By maintaining a regular presence at the same location at the same times for so long, people know who we are and when we will be there.

15. We conduct our events at this prominent downtown location because we hope to inspire members of the public to similarly provide mutual aid to others and ask their governments to divest from war and invest in basic human needs. In order to do so, we have to be visible to pedestrians and cars passing by.

16. We ensure that our events are easily accessible to homeless people, especially those with health and mobility issues, so we picked a location that is central and easily accessible for those who live or spend their days in downtown Houston.

17. During our events, many FNBH members wear T-shirts that say “Food Not Bombs” and “Poverty is Not a Crime.” We also put up a large banner that says “FOOD NOT BOMBS” and “POVERTY ISN’T A CRIME.”

18. All too often, we see how policing and the unjust enforcement of criminal laws harm poor people, so our shirts and banner reflect our strong disagreement with those cruel practices.

19. Homelessness has always been a major issue in Houston, and we continue do our food sharing events to shed light on the ways that our City is failing to meet the material needs of some of its most vulnerable residents.

20. FNBH is committed to this cause and both myself and other volunteers intend to continue organizing food sharing events in the future.

#### **The Anti-Food Sharing Ordinance**

21. In 2012, Houston passed City Ordinance § 20-252 (“The Anti-Food Sharing Ordinance” or “The Ordinance”). As I understand it, the Anti-Food Sharing Ordinance prohibits giving food to five or more people in need on public property without advance written consent from the City of Houston (“the City”) to use that location.

22. Our group and many other volunteer groups who share food with the homeless opposed the Ordinance both before and after its passage. We worried that the Ordinance would cause other groups and individuals to quit food sharing, and unfortunately, that worry became a reality. Over the last twelve years, several food sharing groups significantly reduced their activity

or ceased serving food all together. The real victims of this policy, then, are the homeless and economically vulnerable people who struggle to find food.

23. Because of the public backlash to the Anti-Food Sharing Ordinance after its passage, in 2012, then-Mayor Annise Parker gave us permission to use the area around the Central Library for our food sharing events.

24. Between 2012 and March 2023, we hosted our weekly food sharing events without receiving any tickets.

25. During that period, we served tens of thousands of plates of food to anyone who wanted one.

26. We are not aware of any incidents where people receiving food from us were violent toward or harassing other members of the public who were passing by.

#### **Houston's Criminalization of FNBH Members**

27. In February of 2023 we saw notices that beginning March 1, 2023, all food sharing activities across Houston had to occur at 61 Riesner Street, Houston, Texas 77002 ("61 Riesner Street"). Confused and surprised at this apparent change of policy, we continued hosting our events.

28. On March 1, 2023, FNBH received its first citation under the Anti-Food Sharing Ordinance in the policy's 11-year history. Since March 1, 2023, officers with the Houston Police Department have patrolled our events and cited our members every week.

29. To date, the City of Houston has issued over 89 citations to our members under the Ordinance, potentially totaling to more than \$178,000 in fines.

30. Due to these citations, our members have experienced the burdens of appearing for numerous court dates, including initial appearances and trial dates that keep getting reset. These

constant court dates take a toll on our members because it requires them to take time off work or school, find lawyers, arrange child care, and arrange transportation.

31. Despite the enforcement of the Ordinance, we have continued to hold our food sharing events and serve hundreds of meals to the hungry each week. We will continue to do so because we are committed to spreading our message and making sure the needs of our neighbors are met.

#### **The Enforcement of the Ordinance Has Discouraged People from Volunteering with Us**

32. FNBH is entirely volunteer-run, so we rely on volunteers and volunteer groups who want to help out by bringing food, preparing food, or distributing it at our food sharing events.

33. Since the enforcement of the Ordinance against us, some volunteers stopped participating in our food sharing events for fear of prosecution. Some still help out in the background by preparing or bringing food, but others stopped volunteering altogether.

34. One group of volunteers who helped out on a regular basis before the enforcement of the Ordinance stopped attending our events and told us that they would come back once we stopped getting cited.

35. Another group of volunteers who helped out once a month on a regular basis stopped showing up once the City began cracking down on our food sharing events.

#### **The Anti-Food Sharing Ordinance Restricts Our Expression**

36. The Anti-Food Sharing Ordinance is a direct attack on our ability to share our message publicly. By enforcing it against us, the City is telling us that it does not want our message or the people we serve to be visible to the public.

37. In particular, 61 Riesner Street—the sole location in the City in which people can serve food to more than five people on public property according to the notices—is a woefully inadequate place for FNBH to share its message and host its events.

38. For one, many of the people we share food with live in downtown near the Central Library and use wheelchairs, canes, and other mobility assistance devices. Forcing these people to walk over a mile to 61 Riesner Street would dissuade many from attending if we conducted our events at 61 Riesner Street.

39. Additionally, 61 Riesner Street is in a police station parking lot, and there are always numerous police officers at the feedings that take place there. Many of the people who attend our events have experienced police harassment and have had negative interactions with the police. Some of these people have shared with us that they do not feel comfortable going to 61 Riesner Street because of the extensive police presence. As a group who criticizes the criminalization of poverty and expresses solidarity with our unhoused neighbors, moving our events to 61 Riesner Street would change who would be willing to come to our events.

40. In fact, some people who used to regularly attend our events near the library stopped after the Houston Police Department started regularly surveilling and patrolling them.

41. 61 Riesner Street is also not a suitable location for our events because we are a political group who protests the City's response to homelessness, including its over-policing of homeless people and communities. Requiring us to serve food at a police station surrounded by police officers would make it seem as though we support the City's efforts and are collaborating with the police. Furthermore, the parking lot at 61 Riesner is tucked away in the outskirts of downtown in an area with less pedestrian and car traffic. If we were to required to move our events there, we would not be able to reach as many people with our message.

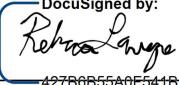
42. The City's justification for its sudden enforcement of the Anti-Food Sharing Ordinance against us makes no sense. Former Mayor Sylvester Turner started the crackdown on our food sharing events at the library because he claimed that our events were discouraging families from using the library. This could not be further from the truth. We serve food an hour and a half after the library closes, so our events do not interfere with people using the library during its normal business hours. By the time our events take place, the gate to the Central Library is already closed and padlocked.

43. Hoping the sudden crackdown was just the result of Former Mayor Turner's animosity towards us, we submitted a petition on January 8, 2024 signed by over 180 organizations and 24,000 individual signatories to current Mayor John Whitmire and the entire City Council requesting that the City cease enforcement of the Ordinance, repeal the Anti-Food Sharing Ordinance, and dismiss all pending citations against our members. However, in the weeks that followed, our members have continued to receive citations. Nothing appears to have changed, and the City continues to enforce the Anti-Food Sharing Ordinance against us.

44. So long as our City fails to step up and meet the needs of our most vulnerable neighbors, we will continue to show up in solidarity with the unhoused and meet the needs of people where they are. We will not be silenced, and we hope that through our work, the public can visualize what a more just Houston would look like.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on 1/21/2024 in Houston, Texas.

DocuSigned by:  
  
REBECCA LAVERGNE  
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